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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,388	03/28/2001	Paul W. Bennett	5676-00300	7146

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EXAMINER

CHEN, TE Y

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 11/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,338

Applicant(s)

Paul Bennett

Examiner

Susan Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 11, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

1. This is in response to the amendment filed on 09/15/2003.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-7 are rejected under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use or advance the technological arts fail to promote the “progress of science and the useful arts” and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use or advance the technological arts.

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In the present case, claims 1-7, only recite an abstract idea. The recited steps of merely entering inputs, calculating the inputs, and determining results for displaying via a mathematical model do not apply, involve, use, or advance the technological art, since the recited steps can be performed in the mind of the user or by use of a pencil and paper. In another words, these steps only constitute an idea of performing certain type of mathematical processing without any useful, concrete, and tangible result. Since the claimed invention, as a whole, is not within the technological arts as explained above, these claims are deemed to be directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b).

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Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-4, 7-9, 11, 14-16, 18 and 21, are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. (U.S. Patent No. 6,114,977).

As to claim 1-4, 7-9, 11, 14-16, 18 and 21 Smith et al. (Hereinafter referred as Smith) discloses a data processing computer system [Fig. 1] with method and program product [e.g., the KTAPE Software Program, Col. 6, lines 21-60, Fig. 6] to perform direct calculator functions on the fly as claimed by applicant, comprising:

a CPU [e.g. the Micro-Processor(35), Fig. 4] coupled with a memory, wherein the memory stores program instructions [e.g., col. 4, lines 26-38] which are executable by the CPU to:

a) receive user's inputs including numeric and a set of operators into memory [e.g., Abstract, lines 6-10; col. 5, lines col. 6, lines 32-46];

b) display the values entered vertically by switch input focus to the next field once a mathematical operator being entered [e.g. see Fig(s). 7 and 8; col. 6, lines 55-61];

c) determine and display the intermediate steps of a calculation [Abstract, lines 20-26; col. 6, line 62 - col. 7, line 52];

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d) automatically calculate a final result and display it at a the first column below the entered numeric values and mathematical operators [e.g., a final result "46" is displayed below the entered numeric value "12" and the operator "34", Fig. 7].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-6, 10, 12-13, 17, and 19-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (U.S. Patent No. 6,114,977) in view of Comer et al. (U.S. Patent No. 6,430,584).

8. As to claims 10 and 17, although Smith discloses that the on-screen calculation is desired in the accounting and spreadsheets processing [col. 1, lines 9-12] and further discloses that his direct calculator can be activated by other customer-implemented function [e.g., col. 7, lines 49-52], however he did not specifically disclose the details as how to modify one or more input values on the display screen and recalculate/redisplay these modified values.

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9. However, Comer et al. (hereinafter referred as Comer) discloses a programmable computing system with a spreadsheet having on-screen calculator capability which can be configured to perform a user-defined function (UDF). Wherein, the UDF can be a formula that the author writes, a program written in a built-in macro language, or a separate program that interfaces with the spreadsheet. Such that, a user of a programmable computation device can customize the current selected cells of a spreadsheet to perform any user desired functions in the calculation device [Abstract; Fig(s) 1-5; col. 2, lines 15-22; col. 7, lines 31-38]. For example, a) modifying one or more of the input numeric values in its location on the display [e.g., see the edit option of Fig. 3 in Comer]; or b) recalculating and redisplay the result of the input numeric values and mathematical operators as modified [e.g., see Abstract lines 13-15; Fig. 5 in Comer]. Thus, It would have been obvious to one of ordinary skill in the art, at the time the invention was made, with the teachings of Smith and Comer in front of him, being motivated to modify the KTAP Software Program in Smith system with the UDF functions taught by Comer to form a combined system with features as claimed by applicant. Since by doing so, the combined system would allow the end user to edit and recalculate any business computation as desired on the fly.

10. As to claims 5-6, 12-13 and 19-20, the claimed simultaneous operation is read on by the spreadsheet insert mode.

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Response to Arguments

11. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Chen, whose telephone number is (703) 308-1155. The examiner can normally be reached Monday through Friday from 7:30 A.M. to 4:30 P.M.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached at (703) 308-1436. The fax phone numbers for this group is: (703) 872-9306.

14. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Susan Chen

Nov. 24, 2003


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